

**FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

FREDRIC N. ESHELMAN,

Plaintiff,

v.

PUMA BIOTECHNOLOGY, INC.

Defendant.

Case No. 7:16-cv-00018-D

ORDER


Before the Court is Plaintiff Dr. Fredric N. Eshelman's Motion to Seal D.E. 199 [D.E. 230]. Defendant Puma Biotechnology, Inc. does not oppose this Motion. After considering the Motion, Dr. Eshelman's arguments in D.E. 199—which were incorporated into D.E. 230, and other matters of record, the Court concludes that the Motion is meritorious and should be GRANTED.

The public has been given notice of Dr. Eshelman's Motion to Seal and had a reasonable opportunity to challenge it. Although there is a strong presumption of public access to judicial records, information can be sealed where there is a "compelling interest" to do so. *Doe v. Pub. Citizen*, 749 F.3d 246, 269-70 (4th Cir. 2014). The privacy interest of non-parties are compelling interests that justify sealing. *See United States v. Smith*, 776 F.2d 1104, 1112 (3d Cir. 1985) (privacy interests of third-parties "overrid[e]" First Amendment's presumption of access); *Brigham Young Univ. v. Pfizer, Inc.*, 281 F.R.D. 507, 511-12 (D. Utah 2012) (even with judicial documents, a court must "'balance the . . . private interests of innocent third-parties'"); *Nettles v. Farmers Ins. Exch.*, No. C06-5164RJB, 2007 WL 858060, at *1-2 (W.D. Wash. Mar. 16, 2007) (granting motions to seal with respect to employment information regarding third-parties). Any challenge to Dr. Eshelman's Motion was not meritorious. Therefore, pursuant to Federal Rule of Civil Procedure 26(c), Local rules 7.1 and 79.2, Section V(G) of the CM/ECF Policy Manual, and

this Court's Joint Stipulated Protective Order (D.E. 59), it is hereby ORDERED that:

1. Dr. Eshelman's Memorandum in Support of His Motion to Seal Two Pages of Sensitive Testimony Regarding a Non-Party [D.E. 199] is hereby SEALED.

SO ORDERED, this 4 day of January, 2018.


Judge